

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**VU THANH TRAN
#047-620-548**

**CIVIL ACTION NO. 13-3117
SECTION P**

VERSUS

JUDGE MINALDI

C. MAIORANA, ET AL

MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

Before the court is a petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2241 by *pro se* petitioner, Vu Thanh Tran. At the time of filing, petitioner was in the custody of the Department of Homeland Security/United States Immigration and Customs Enforcement (DHS/ICE). He was detained at the Oakdale Detention Center, Oakdale, Louisiana.

Petitioner filed his petition seeking to have this court order his release from custody. Petitioner claimed that his continued detention beyond six months is unconstitutional under the Supreme Court's ruling in *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). Doc. 1. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. § 636(b)(1)(B).

On December 11, 2013, correspondence from the court to the petitioner was returned to the court with the notation that petitioner was no longer at Oakdale. Doc. 4. The information on the Federal Bureau of Prison's website confirms that the petitioner was released from post-removal-order detention custody on December 4, 2013.¹ Thus, the court finds that his challenge to his detention is now moot and should be dismissed.

¹ Federal Bureau of Prisons, <http://www.bop.gov/inmateloc> (last visited July 21, 2014).


Accordingly,

IT IS RECOMMENDED that the petition be **DENIED** and **DISMISSED** as **MOOT**.

Under the provisions of 28 U.S.C. § 636(b)(1)(C), the parties have fourteen (14) days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE this 21st day of July, 2014.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE